

RECEIVED

MAR 5 - 1997

Before the
Federal Communications Commission
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments,
FM Broadcast Stations
(Mankato, Lake Crystal and
Vernon Center, Minnesota)*

)
)
) MM Docket No. 96-260
) RM-8965
)
)

To: Mass Media Bureau

REPLY COMMENTS

Atlantis Broadcasting Co., L.L.C. (hereafter Atlantis), and
Jo Guck Bailey (hereafter Bailey) (collectively hereafter
Respondents) by their respective attorneys, and pursuant to
Sections 1.415(c) and 1.420(b) of the Commission's rules, hereby
jointly reply to the February 18, 1997 (1) Comments and
Counterproposal of James D. Ingstad (hereafter Ingstad), (2)
Comments in Support of Proposed Rule Making of James J. Wychor
(hereafter Wychor), and (3) Comments and Counterproposal of
Vernon Center Broadcasters (hereafter VCB).

1. This rule making proceeding was instituted by Notice of
Proposed Rule Making DA 96-2127, released December 27, 1996,
looking toward the allotment of Channel 231A at Mankato,
Minnesota. Interested parties were invited to file comments (or

* Lake Crystal and Vernon Center, Minnesota, have been added to the
caption.

counterproposals) on or before February 18, 1997. The rule making proponent, Mid-Minnesota Broadcasting Company (hereafter Mid-Minnesota) apparently did not file comments in support of its proposal. Wychor, however, did file comments supporting a Channel 231A allotment at Mankato. Counterproposals were filed by Atlantis and Bailey proposing the allotment of Channel 231A at Lake Crystal, Minnesota, by Ingstad proposing the allotment of Channel 231A at Madelia, Minnesota, and by VCB proposing the allotment of Channel 231A at Vernon Center, Minnesota. For the reasons set forth below, the Commission should allot Channel 231A at Lake Crystal and allot either Channels 222A or 274A at Madelia.

2. **Mankato.** Mid-Minnesota's petition for rule making should be dismissed without consideration of its merits for two reasons: as pointed out in the Notice (footnote 1), the rule making petition was apparently not verified by a Mid-Minnesota principal; and (2) in any event, Mid-Minnesota apparently did not file comments reiterating its expression of interest as required by FCC procedures (Notice, Appendix, paragraph 2 thereto). Wychor's Comments supporting the Channel 231A allotment at Mankato are also procedurally defective and should not be considered on the merits because his Comments are not verified (see Notice, footnote 1 thereto).

3. **Vernon Center.** VCB proposes to allot Channel 231A at Vernon Center, which it avers is an incorporated city with a 1990

population of 339. VCB's Counterproposal is plainly inferior to the Counterproposals filed by Atlantis and Bailey for Lake Crystal. While neither community has a local aural transmission service, Lake Crystal (1990 population - 2084) is significantly larger than Vernon Center, and the allotment of Channel 231A at Lake Crystal would better advance the objectives of Section 307(b) of the Communications Act of 1934, as amended.

4. **Madelia.** Ingstad proposes that Channel 231A be allotted to Madelia (in lieu of Mankato), which it represents would provide a first local service to a "city" of 2,237 persons (Ingstad Comments and Counterproposal, Exhibit 2 thereto). Madelia and Lake Crystal are significant communities of approximately the same size neither of which have a local aural transmission service. The allotment of a class A channel to both communities would better advance the objectives of Section 307(b) of the Act and Commission allocation policies.

5. There is annexed hereto as Appendix A the technical exhibit of T.Z. Sawyer Technical Consultants, which demonstrates that either Channel 222A or Channel 274A may be allotted to Madelia consistent with minimum distance separation and principal city coverage requirements. Channel 222A may be allotted at Madelia with a site restriction of 12.9 kilometers to the southwest of that community. Channel 274A may be allotted to Madelia with a site restriction of 13.1 kilometers to the southwest of that community. Mr. Sawyer affirms that there is a

suitable area to locate a transmitter site for either channel and that, based upon terrain profiles prepared by him, a clear line of site path exists between Madelia and the proposed allotment points (and their associated areas to locate). Respondents request that the Commission consider allotting either Channel 222A or Channel 274A to Madelia so that both Madelia and Lake Crystal will receive a first local aural transmission service.

6. **Lake Crystal.** Among the several proposals, the allotment of Channel 231A at Lake Crystal will better advance the allocation objectives of Section 307(b) of the Act and would constitute a preferential arrangement of allotments. Although Madelia is slightly larger (137 persons) than Lake Crystal, in fact, Lake Crystal is a growing community with a superior need for a first aural transmission service (see Statement of Kevin Gaulrpp annexed as Appendix B hereto). In any event, as demonstrated above, the Commission need not choose between the allotment of a first service to Madelia or Lake Crystal. Rather, the Commission may allot Class A channels to both communities -- Channel 231A at Lake Crystal and either Channel 222A or Channel 274A at Madelia.

Wherefore, Respondents would urge the Commission to allot Channel 231A at Lake Crystal and either Channel 222A or Channel 274A at Madelia.

Respectfully submitted,

ATLANTIS BROADCASTING CO., L.L.C.

By: James K. Edmundson
James K. Edmundson

Gardner, Carton & Douglas
1301 K Street, N.W.
Suite 900, East Tower
Washington, D.C. 20005
(202) 408-7100

Its Attorneys

Jo Guck Bailey

By: Gregg P. Skall
Gregg P. Skall, Esq. JKE
Pepper & Corazzini, L.L.P.
1776 K Street, N.W.
Suite 200
Washington, D.C. 20006

March 5, 1997
185275-1

Her Attorney

Appendix A

TECHNICAL EXHIBIT

PETITION TO MODIFY
FM TABLE OF ALLOTMENTS

PROPOSED ALTERNATE CHANNELS

MM DOCKET 96-260 (RM-8965)

REPLY COMMENTS

Proponent: Atlantis Broadcasting Co., L.L.C.

NARRATIVE

The technical exhibit of which this narrative is part was prepared on behalf of Atlantis Broadcasting Co., L.L.C. ("Atlantis") in support of reply comments to modify the FM Table of Allotments (47 C.F.R. § 73.202) pertaining to MM Docket 96-260 (RM-8965).

Atlantis in its comments proposed the allotment of Channel 231A at Lake Crystal, Minnesota in lieu of Mankato, Minnesota as a first local service to Lake Crystal. Additional proposals were received by the Commission for the allotment of Channel 231A at other communities within the general area.

Of the comments received, only the proposed allotment of Channel 231A at Lake Crystal (Atlantis) and the proposed allotment of Channel 231A at Madelia, Minnesota by James D. Ingstad ("Ingstad") would provide a first local service to communities of significant population.¹

¹ The U.S. Census of 1990 reports the population of Lake Crystal, MN as 2,084 persons, and the population of Madelia, MN as 2,237 persons.

A technical review of the FM channel allotments and spacing requirements within the area reveals that Lake Crystal and Madelia, Minnesota can be allotted separate FM channels in compliance with the Commission's rules, allowing each proposal to go forward.

ALTERNATE CHANNELS

Atlantis's proposed allocation of Channel 231A at Lake Crystal, and the proposed allocation of Channel 231A at Madelia by Ingstad, can be resolved by the allotment of Channel 231A at Lake Crystal and the allocation of alternate Channel 222A or alternate Channel 274A at Madelia, Minnesota.

The proposed allocation of alternate Channel 222A at Madelia can be made with a site restriction of 12.9 kilometers to the southwest ² of Madelia, Minnesota ³ at the following geographical coordinates:

43-58-04 N. Latitude

94-31-39 W. Longitude.

² The site restriction to the southwest is to avoid a short-spacing to KQRS-FM, Ch. 223C, Golden Valley, MN (BLH-910814KB), and KRUE, Ch. 221C3, Waseca, MN (BLH-920727KA).

³ The geographical reference point for the community of Madelia, Minnesota is 44-03-00 N. Latitude, 94-24-48 W. Longitude.

Attached as Table I is an FM channel spacing study conducted at the above coordinates in support of the allotment of alternate Channel 222A at Madelia, Minnesota.

Additionally, a second alternate channel, Channel 274A can be allocated to Madelia with a site restriction of 13.1 kilometers to the southwest of Madelia ⁴ at the following geographical coordinates:

43-57-15 N. Latitude

94-30-30 W. Longitude.

Attached as Table II is an FM channel spacing study conducted at the above coordinates in support of the allotment of alternate Channel 274A at Madelia, Minnesota.

A suitable area to locate a station on Channel 222A or Channel 274A exists in which all FM spacing requirements to existing stations, applications, or allotments, and the city of license coverage requirements are met. Terrain profiles have been prepared by this office from each of the proposed allotment locations. A clear line-of-sight path exists between the community of Madelia and the proposed allocation point (and its associated area) for each of the alternate channels.

⁴ The site restriction to the southwest is to avoid a short-spacing to WLTE, Channel 275C, Minneapolis, MN (BLH-910814KD), and KYTC, Channel 274A, Northwood, MN (BMLH-900110KE).

SUMMARY

The allotment of alternate FM Channel 222A or Channel 274A can be made at Madelia, Minnesota. The allotment of either Channel 222A or 274A would resolve the conflict between the proposed allotment of Channel 231A at Lake Crystal, Minnesota. Thus, each community would benefit and receive a first local service. The allotment options are:

Option I

Lake Crystal, MN	Channel 231A
Madelia, MN	Channel 222A

Option II

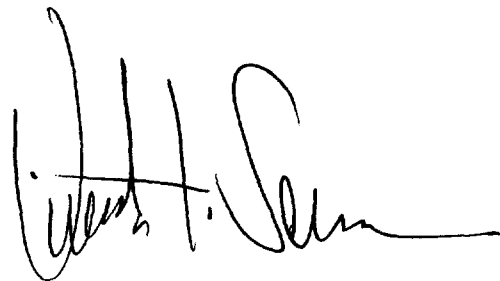
Lake Crystal, MN	Channel 231A
Madelia, MN	Channel 274A

Further information, if required, concerning the technical merits or methods employed in the preparation of this narrative may be obtained by contacting the office of the undersigned.

I, Timothy Z. Sawyer, state that I have prepared this technical narrative and its associated exhibits, and that I believe the statements contained herein to be true and correct to the best of my knowledge and belief.

March 3, 1997

T.Z. Sawyer Technical Consultants
6204 Highland Drive
Chevy Chase, MD 20815
Tel.: (301) 913-9287
E-mail to: engineers@sawyer.com



Timothy Z. Sawyer

T.Z. Sawyer
Technical Consultants
Chevy Chase, MD

FM SEPARATION STUDY

Job Title :MADELIA, MN. ALT. CH. OPTION I Separation Buffer 64 km
FCC DB Date : 02/28/97
Channel 222A (92.3 MHz) Coordinates : 43-58-04 94-31-39

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
KNSW LIC	Worthington-Marshall MN	BMLED931019KC	219C1 91.7	99. 243.0	43-53-01 95-55-44	265.7	112.94 37.94	75 CLEAR
KRUE LIC	Waseca MN	BLH920727KA	221C3 92.1	25. 87.0	44-02-45 93-23-08	84.2	92.00 3.00	89 CLOSE
KOELFM LIC	Oelwein IA	BLH871215KC	222C 92.3	100. 302.0	42-40-53 91-52-52	122.8	257.88 31.88	226 CLEAR
KQRSFM LIC	Golden Valley MN	BLH910814KB	223C 92.5	100. 315.0	45-03-30 93-07-27	42.0	164.74 (ROUNDS TO 165 KM)	165
KELOFM LIC	Sioux Falls SD	BMLH800204AM	223C 92.5	100. 564.0	43-31-07 96-32-05	253.5	169.23 4.23	165 CLOSE
KLGAFM LIC	Algona IA	BLH951019KB	224C3 92.7	3.5 137.0	43-04-05 94-12-08	165.2	103.37 61.37	42 CLEAR
KFSI LIC	Rochester MN	BLED810507AJ	225A 92.9	6.0 97.0	44-01-27 92-32-36	87.0	159.29 128.29	31 CLEAR

Commercial Channel Operating as Educational

** End of separation study for channel 222A **

T.Z. Sawyer
Technical Consultants
Chevy Chase, MD

FM SEPARATION STUDY

Job Title :MADELIA, MN. ALT. CH. OPTION II Separation Buffer 64 km
FCC DB Date : 02/28/97
Channel 274A (102.7 MHz) Coordinates : 43-57-15 94-30-30

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
KUQQ LIC	Milford IA	BLH960920KA	271C2 102.1	50. 128.0	DA 43-24-20 95-05-01	217.4 SS	76.61 21.61	55 CLEAR
KQIC LIC	Willmar MN	BLH810522AG	273C1 102.5	100. 253.0	45-11-40 95-05-01	341.9	145.21 12.21	133 CLOSE
KYTC LIC	Northwood IA	BMLH900110KE	274A 102.7	6.0 97.0	43-29-18 93-14-12	116.4 (ROUNDS TO 115 KM)	114.81	115
KIXK CPM	Canton SD	BMPH930514IH	274C2 102.7	50. 61.0	43-28-47 96-41-04	254.0	183.13 17.13	166 CLEAR
KIXK APP	Canton SD	BPH961014IA	274C2 102.7	50. 104.0	43-24-05 96-45-27	252.0	191.50 25.50	166 CLEAR
KTFG LIC	Sioux Rapids IA	BLH910308KB	275C2 102.9	50. 146.0	42-54-34 95-09-35	204.6	127.50 21.50	106 CLEAR
WLTE LIC	Minneapolis MN	BLH910814KD	275C 102.9	100. 315.0	45-03-30 93-07-27	41.3 (ROUNDS TO 165 KM)	164.85	165
KLKK LIC	Clear Lake IA	BMLH901207KD	276A 103.1	6.0 94.0	43-03-58 93-22-53	137.0	134.32 103.32	31 CLEAR

** End of separation study for channel 274A **

Appendix B

STATEMENT OF KEVIN GAULRPP

My name is Kevin Gaulrpp. I am a businessman in Lake Crystal, Minnesota, where I own and operate a grocery store. I am also a member of the Economic Development Association. I am providing this statement in support of the counter proposal of Jo Guck Bailey to allocate Channel 235A to Lake Crystal, Minnesota.

Economic conditions in Lake Crystal are quite positive. We have a very strong agricultural economic base which provides substantial support to the retail and banking community in Lake Crystal. Lake Crystal is a fast-growing community. Every retail space on Main Street is now filled and we are expanding the retail area to surrounding thoroughfares. My grocery store has doubled in size in the last ten years, and in the next ten years I expect to double the size again. New businesses are moving into town and establishing branches here because of our substantial growth. For example, the insurance company in Madelia has seen fit to open an office here to accommodate our residents. Our local Ford dealership has a new owner who has increased his inventory 18-fold in the past year. Another local business, Cenex Crystal Co-op, has recently expanded here to accommodate the growing community.

To accommodate the growing demand for industrial space, the infrastructure has just been completed for a new industrial park just south of the city, next to the railroad line. The Crysteel Truck Service is expanding, as is Industrial Fabrication Systems (IFS). The Alwyn Company, a subsidiary of the Sween Company has also recently located here.

This commercial growth has spawned the need for two new housing developments which include 50 recently-built homes. A trailer park has also been upgraded. We are also building a community recreation facility which will encompass 40,000 square feet at the cost of \$3,000,000.

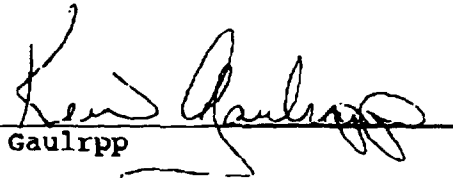
The growth has also caused the need for school expansion and we are planning a school bond issue for an upcoming election which we expect to be passed by the voters. There is also some discussion of adding a new school next to the new community recreation facility.

Our community needs a radio station. A radio station would bring identity to our community and expand our base. The retail community needs additional advertising opportunities which are not available in Madelia's only newspaper, a weekly.

I believe that Lake Crystal is a far better place to put a radio station than Madelia. While Madelia is a nice town with some growth, it does not match the growth that is occurring and will occur in Lake Crystal over the next several years. Madelia is starting to send students to our schools here in Lake Crystal and I doubt that they will build any new schools to accommodate those students. With our new school coming, the open enrollment in Lake

Crystal is expected to increase even more. I had the opportunity to develop my business in Madelia and chose Lake Crystal instead because of the growth I believe is happening in Lake Crystal and my belief that Madelia has peaked in its growth.

I hope this information is of use to the Federal Communications Commission in selecting Lake Crystal, Minnesota, as the new site for Channel 231A.


Kevin Gaulrpp

Date: 3-3-97

CERTIFICATE OF SERVICE

I, Kaigh K. Johnson, a secretary in the law firm of Gardner, Carton & Douglas, certify that I have this 5th day of March, 1997, caused to be sent by first-class U.S. mail, postage-prepaid, a copy of the foregoing **"Reply Comments"** to the following:

*John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2000 M Street, N.W.
Room 554
Washington, D.C. 20554

*Kathleen Scheuerle
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W.
Room 8314
Washington, D.C. 20554

Abdolmjid Khalilzadeh
Philip A. Rubin & Associates, Inc.
1350 Connecticut Avenue, N.W.
Suite 610
Washington, D.C. 20036

Gregg P. Skall, Esq.
Pepper & Corazzini, L.L.P.
1776 K Street, N.W.
Suite 200
Washington, D.C. 20006
Counsel for Jo Guck Bailey

David D. Oxenford, Jr., Esq.
Dawn M. Sciarrino, Esq.
Fisher, Wayland, Cooper, Leader,
& Zaragoza, L.L.P.
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20006
Counsel for James D. Ingstad

John S. Neely, Esq.
Miller & Miller, P.C.
1990 M Street, N.W.
Suite 760
Washington, D.C. 20036
Counsel for Vernon Center Broadcasters

James J. Wychor
11 Pleasant View Lane
Circle Pines, Minnesota 55014


Kaigh K. Johnson

*By Hand Delivery